OCA consumer register

A supplement to Consumer News

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Consumer Advisory Council

Office of Consumer Affairs announces a public meeting at 9 a.m. May 25 & 26 in Room 5104, New Executive Office Bldg., 17th & H Streets NW, Washington DC 20506. The council will review revised Consumer Representative Plans of the Federal executive agencies.

Details—*Federal Register:* May 10, page 19154.

Imported meat

Beginning May 31, consumers who want to import not more than 22.7 kilograms (50 pounds) of meat for their own use may do so without preparing **Agriculture Dept.'s** Federal certification papers. A section of the present Federal meat inspection regulations requires such certification. Revoking that section will help reduce unnecessary paper work. A consumer will be able to return from a trip to Canada, for example, with a box of steaks without filling out a lengthy form.

Note: It continues to be illegal to import meat from countries where hog cholera, foot-&-mouth disease & other diseases are known to exist.

Details—*Federal Register:* April 30, page 18089.

Nursing homes

Health, Education & Welfare Dept. (HEW) has issued final regulations to help with the physical & emotional needs of residents in Intermediate Care Facilities (ICFs) that receive Medicaid. Helping Medicaid residents in ICFs has the practical effect of helping all residents.

Regulations, which become effective June 28, are similar to the patients' "Bill of Rights" that have already been established for residents of skilled nursing facilities (SNFs) receiving Federal funds through Medicaid [CONSUMER REGISTER: Feb. 1, 1974 & Nov. 1, 1974].

ICFs are institutions for patients who need more than custodial care (including the mentally retarded) but who do not need the round-the-clock skilled nursing care that SNFs must provide. ICFs provide some nursing supervision & help for eating, dressing, walking & other personal needs.

Comments received from state officials, nursing homes, consumer groups & consumers were considered before HEW issued the final regulations.

Highlights are:

- ICF residents will have a voice in the planning of their total care & medical treatment—not just health or medical care plans. They will be allowed to refuse treatment & to refuse to participate in research projects.
- ICFs must set up resident grievance committees.
- Only a doctor (or in institutions for the mentally retarded, a qualified mental retardation professional) may authorize chemical or physical restraints except in emergencies.
- ICF residents must be given information on ICF services & charges.
- ICF residents do not have to work for ICFs unless they want to.

Details—*Federal Register:* March 29, page 12883; Oct. 3, 1974, page 35774; Jan. 17, 1974, page 2219. CONSUMER REGISTER: Nov. 1 & Feb. 1, 1974.

Hearing aids

June 21 is deadline for comments on **Food & Drug Administration's** (FDA) proposal to require prospective hearing aid users to have a medical examination within 6 months before being fitted for hearing aid. Proposal would also require that users be given a User Instructional Brochure at the time they buy a hearing aid. Brochure would explain realistic benefits consumers can expect from a hearing aid, along with operating & care instructions. Caution statements would include reminders that hearing aids will not restore normal hearing.

Under the proposal, the requirement for a medical examination can be waived by consumers who are at least 18 years old as long as certain warning signals are not present. These warning signals include dizziness, ear deformity, rapid onset of hearing loss, visible earwax accumulation, or a foreign body in the ear. FDA wants to make sure that people buying a hearing aid will not be delaying necessary medical care—& will benefit from the use of a hearing aid. **National Center for Health Statistics** estimates there are 14.5 million persons with impaired hearing in the US & that 28% of these are over 65 years old.

FDA is particularly interested in receiving comments on the following matters:

- Are there any side effects from using hearing aids (other than skin irritation) that should be mentioned in the brochure?
- Is the medical examination waiver a good idea—or should all prospective hearing aid users be required to have a medical examination, with or without the warning signals?
- Are existing state or local requirements about labeling of hearing aids consistent with FDA's proposed rules?

Other requirements include permanently marking the hearing aids with name of manufacturer or distributor, model name, serial number & month & year of manufacture. This information would assure proper identification for quality control & repair service as well as protect users from misleading claims that the hearing aid is "brand new." Also, if the hearing aid has been used or rebuilt, these facts must be disclosed on the container or on a tag.

FDA's proposal is similar in many respects to a proposal by **Federal Trade Commission** (FTC) to regulate the hearing aid industry [CONSUMER REGISTER: Aug. 15, 1975; Jan 15, 1976].

Details—*Federal Register:* April 21, page 16756. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Sour cream

Food & Drug Administration (FDA) is proposing to amend its standards of identity for acidified sour cream & acidified sour half & half by renaming the products that are soured by directly adding food-grade acid (such as acetic or citric acid) to cream. (Conventional method sours cream naturally with lactic acid-producing bacteria.)

Manufacturers who use the direct acidification process had to relabel their products "acidified" in certain states, & as a result of that word, have reported drastic reductions in sales. They say "acidified" has a negative effect on consumers, & now they want to call the products "Directly set." FDA has already approved the use of the term "Directly set" in standards of identity for cottage cheese.

Details—*Federal Register:* April 14, page 15702. Send comments by June 14 to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Recovering meat

Aug. 25 is deadline for comments on **Agriculture Dept.'s** proposal to revise its definition of meat to include 2 new products. These products are defined as mechanically deboned meat & as low-temperature rendered meat that are for use in manufactured, shaped meat, including luncheon meats & various forms of sausages. Proposed standard does not affect other meat, which may be cut, such as steaks or roasts, or chopped or ground, such as hamburger.

Process for the deboned meat definition works like this: Mechanical deboning machines crush the bones & force bone marrow & meat through an opening in the machine. Remaining bones go out of the machine later, but a small amount of the pulverized bone (.05% or less) gets through the first opening & is mixed with the meat.

Separate fat rendering process works like this: Fatty connective tissue of meat is heated to a temperature of 49 degrees Celsius (120 degrees F.) or less so that some of the fat is removed (without cooking the product), leaving protein-containing meat, some of which is good quality protein. (However, the protein quality is such that without cost-saving fat rendering—& deboning—process, the meat protein value would not be worth the trouble.)

The 2 processes can be used separately by manufacturers or used in conjunction with each other.

Purpose of the proposed standard is to make it easier for companies to use meat that is lost by traditional hand boning methods. According to Agriculture, nearly 453 million kilograms (one billion pounds) of meat could be added to the nation's food supply through the mechanical deboning process.

Proposal would also establish standards to control the nutritional values & quality of the products made with these new processes. For instance, the fat content of mechanically deboned meat would be limited to 30% (20% for low-temperature rendered) & calcium (bone) content would be limited to .05% in both processes. In addition, certain standards for protein content would have to be met.

In March, Agriculture called together an informal group of consumer representatives to explain the processes & to explain maintenance of the nutritional quality of meat prepared by these processes. Representatives at the meeting were concerned about redefining the terms "beef" & "pork"—because these definitions for hand deboned meat may not be appropriate for products that now contain pulverized bone or are low-heat processed and tested for protein content by methods some authorities question. Some of the representatives felt that these meat ingredients should not be called meat but identified on labels as to what they actually are—mechanically deboned & low-temperature rendered meat —so that consumers would know what they are buying. This is particularly important since these products will be cheaper to the manufacturer than traditional ingredients. Thus, consumers could use meat product labels to make economic value comparisons with meat products prepared without either the mechanical deboning or low-temperature fat rendering processes. Some of the consumer representatives were also concerned that this redefinition of meat without full disclosure labeling could lead to further changes in traditional meat products without consumer awareness.

Because the consumer representatives were concerned (1) about labeling these products & (2) that meat recovered by mechanical deboning & low temperature rendering might not be of high quality, Agriculture is interested in hearing what other consumers think about the proposal. Agriculture will hold a series of meetings in various cities around the country.

(Agriculture now requires meat by-products such as tripe & heart—sometimes referred to as variety meats—to be indicated on labels of certain cooked sausages, such as bologna & hot dogs.)

In addition to the proposal, Agriculture has issued interim manufacturing standards—that are now in effect— for products obtained from mechanical deboning of meat & for products recovered by low-temperature rendering. Meat labels do not now indicate use of these 2 processes.

Details—*Federal Register:* April 27, pages 17535 & 17560. Send comments to Hearing Clerk, Agriculture Dept., Washington, DC 20250.

Blood

July 12 is deadline for comments on **Food & Drug Administration's** (FDA) proposal to amend its good manufacturing practice regulations for blood & blood components by requiring certain additional information for recordkeeping purposes.

Included in the proposal is a requirement that records be kept of the number of paid blood donors. FDA needs this information for its continuing study of the incidence of transmissible hepatitis from paid donors as opposed to volunteer donors.

Details—*Federal Register:* April 30, page 18095; Nov. 18, 1975, page 53532; May 28, 1974, page 18613. CONSUMER REGISTER: Dec. 1, 1975; July 15, 1974. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. Refer to Docket No. 76N-0109.

Thickeners

July 29 is deadline for comments on **Agriculture Dept.'s** proposal to permit the use of several protein-rich derivatives of cheese (sodium caseinate, modified whey & dried whey) as binders or thickeners in some sausages, bockwurst, chili con carne, & pork & beef with barbecue sauce.

Agriculture says the products containing whey & sodium caseinate taste the same as the products containing other already-approved binders, such as soy protein & nonfat dry milk. In addition, whey & sodium caseinate are less expensive then the binders presently in use.

Presence of these products would have to be indicated on the labels of the products.

Details—*Federal Register:* April 30, page 18092. Send comments to Hearing Clerk, Agriculture Dept., Washington, DC 20250.

Drug costs (continued)

Health, Education & Welfare Dept. (HEW) has delayed the effective date of its regulations intended to reduce the cost of prescription drugs to the government's Medicaid & Medicare programs. New effective date will be Aug. 26—instead of April 26. HEW says this delay will allow additional time for Medicaid & Medicare officials to become familiar with updated cost guidelines & to conduct studies of drug operating costs.

Details—*Federal Register:* April 23, page 16968; July 31, 1975, page 32284; Nov. 15, 1974, page 40302. CONSUMER REGISTER: Nov. 1, 1975; Dec. 15, 1975.

This listing, prepared by Marion Q. Ciaccio, is intended only as summary coverage of selected *Federal Register* items deemed of particular interest to consumers, & it does not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. *Federal Register* is published Monday through Friday (except Federal Government holidays) by **Office of the Federal Register, National Archives & Records Service, General Services Administration.** Subscription is $5 a month or $50 a year & may be ordered from **Superintendent of Documents, Government Printing Office,** Washington, DC 20402. Superintendent also sells copies of *Federal Register* for 75¢ each. Free copies of *Federal Register* may be available in libraries.

For you

These forms are for you to use, if you wish, in commenting on any Federal Agency proposal summarized in CONSUMER REGISTER. Of course, if you cannot get your comments on the front & back of a form, feel free to continue your comments on additional paper.

Send comment forms to addresses listed in the summaries.

CONSUMER NEWS is publishing these forms in cooperation with **Food & Drug Administration** (FDA).

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) _____

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Rate Register

Phones

• At the request of American Telephone & Telegraph Co. (AT&T), **Federal Communications Commission's** (FCC) ruling on telephone equipment has been overturned. This means telephone customers are not yet permitted to install their own telephone equipment & must continue to rent devices from the phone companies.

[CONSUMER NEWS: April 1 reported that (1) beginning May 1, consumers would be able to eliminate service charges for equipment; & that (2) beginning Aug. 1, switchboards & key telephone systems could be connected to equipment that is not owned by phone companies.]

AT&T said it was concerned about non-company owned equipment adversely affecting the quality & price of telephone service.

On May 7, FCC asked that the ruling be lifted because the judge acted by himself in favor of AT&T. FCC wants a full panel of judges to decide the case. Action is expected within 2 weeks.

Mail

• On May 4, the **Board of Governors of the Postal Service** (PS) approved in principle the recommendations of the **Postal Rate Commission** (PRC) to change the rates of certain classes of mail — such as giving discounts for large quantities of presorted mail. After studying recommendations, the board expects to take final action in June [RATE REGISTER: May 1].

Planes

• On April 30, **Civil Aeronautics Board** (CAB) approved most of the fare

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Rate Register

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increases requested by International Air Traffic Association (IATA) for airlines flying the North Atlantic route. However, CAB rejected some features, including (1) increases averaging 6% on coach fares — because it said those increases were too high; & (2) affinity group & incentive fares between U.S. & Spain & Portugal — because CAB said those increases were too low.

In some cases, the airlines had already started collecting the higher fares — without CAB's approval — & consumers are entitled to a refund if they traveled the North Atlantic route between May 1 & 12.

Among the increases CAB did approve were (1) a new surcharge (20% of the first class fare) for the Concorde supersonic airline service; & (2) first class air fares.

• **Civil Aeronautics Board** (CAB) has approved a 2% increase in domestic air fares, effective May 1, although some airlines are choosing to delay the effective date to May 15 — for competitive reasons.

Trains

• **Interstate Commerce Commission** (ICC) has issued new rules to improve intercity passenger train service. Rules are the result of a study that began almost 2 years ago with public hearings that were held in 23 cities across the country [CONSUMER NEWS: March 1, 1975].

Highlights of the rules, that become effective June 9, are:

• Smoking will be banned in dining cars, but permitted in snack bars & lounge cars.

• All passengers must be given a summary of rights when they buy their tickets — such as right to have food available on trains that travel more than 2 hours & rights for what to do when trains are late.